

# **MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS**

**OCTOBER 1, 2008**

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **October 1, 2008** in the Council of Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.

## **ROLL CALL**

11 present, 1 absent. Commissioner Mulcahy was excused.

## **PRAYER**

Commissioners were led in prayer by Commissioner Fay.

## **APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 17, 2008**

**It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried with a unanimous verbal vote to approve the Minutes of the September 17, 2008 Regular Meeting.**

## **ITEMS NOT ON THE AGENDA SUSPENSION OF THE RULES**

**It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried with a roll call vote of 11 yeas, 0 nays and 1 absent that in accordance with the provisions of Section 6 of Rule VI of the Rules of Business of the Council of Commissioners of the City and County of Butte-Silver Bow, State of Montana, the Council hereby finds that an emergency conditions exists which requires that the Council Rules be suspended to allow Council Communication No. 06-687 to be added to the Agenda of tonight's Regular Meeting of the Council.**

## **PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA**

None

## **CHIEF EXECUTIVE'S REPORT**

Chief Executive Babb reported that the Board of Regents were here last week. Folks from all over the state were up at Tech for the breakfast last Friday. The

legislation delegation was at the meeting. They want to keep the highest priority for Montana Tech. They will need our help as they move through that.

Tomorrow at 9AM the Archives is having their ground breaking. He invited all to attend.

They are having a conference on Access to Justice at the Library tomorrow at 4PM.

We now have a new representative that will be covering this area from Union Pacific. He visited with me last week. He is taking Charlie Clark's spot. One of the thing that he is very interested in doing is sponsorships. He said he talked him about our festivals and our non-profit organizations. These sponsorships range from \$500.00 to \$2,500.00.

## **SECTION I**

### **CONSENT AGENDA**

- A.**
  - 1. COMMITTEE OF THE WHOLE MEETING REPORT
  - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
  - 3. JUDICIARY COMMITTEE MEETING REPORT
  - 4. PUBLIC WORKS COMMITTEE MEETING REPORT

## **B.**

### **COMMUNICATIONS**

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations or "friendly amendments". Commissioner Moodry called for two "friendly amendments". On Section VI of the Public Works Committee he said the recommendation should be "Recommend approval of the stop signs and refer to the County Attorney to amend the Traffic Ordinance." Under Section VIII, Communication No. 08-636, Committee recommends placement of a 2-way stop sign at the SW corner and NE corner on State Street at intersection at Sherman. It should also read this should be referred to the County Attorney to prepare the appropriate paper work to amend the traffic ordinance. Commissioner Shaw said she has a "friendly amendment on page 3, No. 15, Communication No. 08-672, there is a word missing. It should say Karen Byrnes, Community Development Director, requesting Council approval of Community Enrichment Committee awards.

**It was then moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to approve the Consent Agenda, Section A, Items 1 through 4 and Section B, Items 1 through 29.**

**Communication Added Under Suspension of the Rules**

**Communication No. 08-687**

Bill Melvin, Civic Center Manager, requesting that time e scheduled at October 22, 2008 Council Meeting for an opening for a Request for Qualifications of architectural/engineering services for the two elevators located in the Courthouse Building.

Bill Melvin, Acting Facilities Manager, requested that they have the opening on the 22<sup>nd</sup> of October. We want to get moving on the elevator project as soon as possible.

**It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to schedule the opening for qualifications on October 22<sup>nd</sup> and hold this communication in Committee of the Whole.**

**SECTION II**

**ORDINANCES AND RESOLUTIONS –  
REFERRED TO JUDICIARY**

**1. COUNCIL BILL NO. 08-5  
ORDINANCE NO. 08-5**

AN ORDINANCE AMENDING SECTION 2 OF THE BUTTE-SILVER BOW ORDINANCE NO. 134 AND SECTION 2.04.010 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); ADJUSTING THE ANNUAL SALARIES OF THE CHIEF EXECUTIVE, COUNTY ATTORNEY, SHERIFF, CLERK AND RECORDER, TREASURER, ASSESSOR, CITY JUDGE, JUSTICE OF THE PEACE, AUDITOR, SUPERINTENDENT OF SCHOOLS, CLERK OF THE DISTRICT COURT, CORONER AND MEMBERS OF THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**2. COUNCIL BILL NO. 08-6  
ORDINANCE NO. 08-6**

A RESOLUTION ESTABLISHING CRITERIA FOR THE CLASSIFICATION OF UNSOLD TAX-DEED LANDS; DETERMINING THAT CERTAIN PROPERTY SHOULD BE HELD IN CITY-COUNTY OWNERSHIP BECAUSE OF COMPELLING PUBLIC INTEREST; ORDERING CERTAIN PARCELS OF REAL PROPERTY BE HELD IN CITY-COUNTY OWNERSHIP; AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**3. COUNCIL RESOLUTION NO. 08-82**

A RESOLUTION APPROVING A 15 FOOT BY 100 FOOT GRANT OF EASEMENT TO NORTHWESTERN CORPORATION D/B/A NORTHWESTERN ENERGY, A DELAWARE CORPORATION, IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M., DESCRIBED AS LOT 14 IN BLOCK 11 OF THE ORIGINAL BUTTE TOWNSITE FOR THE LOCATION OF AN OVERHEAD POWER LINE EASEMENT AND NECESSARY APPURTENANCES; FINDING THE NECESSARY FACTS FOR THIS RESOLUTION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**4. COUNCIL RESOLUTION NO. 08-86**

A RESOLUTION ESTABLISHING CRITERIA FOR THE CLASSIFICATION OF UNSOLD TAX-DEED LANDS; DETERMINING THAT CERTAIN PROPERTY SHOULD BE HELD IN CITY-COUNTY OWNERSHIP BECAUSE OF COMPELLING PUBLIC INTEREST; ORDERING CERTAIN PARCELS OF REAL PROPERTY BE HELD IN CITY-COUNTY OWNERSHIP; AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**5. COUNCIL RESOLUTION NO. 08-87**

A RESOLUTION ACCEPTING THE DONATION OF PARCEL 1-B OF CERTIFICATE OF SURVEY NO. 873-B TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**6. COUNCIL RESOLUTION NO. 08-88**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE PERRY'S LODGE MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**ADJOURN**

**There being no further business to come before the Council, it was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by unanimous verbal vote to Rise to the Call of the Chair.**

The Meeting adjourned at 7:45 PM.

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CHIEF EXECUTIVE

ATTEST:

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CLERK AND RECORDER